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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MUNJED AL MUDERIS, an individual, dba
OSSEOINTEGRATION GROUP OF
AUSTRALIA; and OSSEOINTEGRATION
INTERNATIONAL PTY LTD., an Australian
limited company,
Plaintiffs,
vs.

FRED HERNANDEZ, an individual; AMPUTEK,
INC., a Nevada corporation; MIKE VALDEZ and
LUISA VALDEZ, husband and wife; OSSEOTEK,
INC., a Nevada corporation; DOE DEFENDANTS
I-X, INCLUSIVE; and ROE DEFENDANTS I-X,
INCLUSIVE.

Defendants.

NO. 2:22-cv-00876-GMN-NJK

**STIPULATION FOR
CONDITIONAL RELEASE OF
DEFENDANT MIKE VALDEZ
FROM INCARCERATION**

The parties, by and through their respective counsel, stipulate as follows:

1. On March 13, 2023, after holding a show cause hearing, the Court found Defendants to be in contempt for violating the Injunction. (ECF 63). The Court gave Defendants a chance to purge their contempt by requiring Defendants to return

1 \$200,000 of the funds that were taken from Osseotek's account in violation of the
 2 Injunction. Defendants were required to repay \$150,000 of the \$200,000 no later
 3 than March 23, 2023. (*Id.*). On March 24, 2023, Plaintiffs notified the Court of
 4 Defendants' noncompliance (ECF 73), and the Court entered an order instructing
 5 the Clerk of Court to issue a bench warrant for the arrest of Defendants (ECF 75).

- 6 2. On July 3, 2024, the arrest warrant for Defendant Mike Valdez ("Valdez") was
 7 executed, and he was taken into custody. (ECF 147).
 8
 9 3. Valdez has remained incarcerated since being arrested in July.
 10 4. After various discussions among counsel, Plaintiffs are agreeable to having Valdez
 11 released from custody on the following conditions:

- 12 a. Prior to Valdez's release, Valdez will pay Plaintiffs \$25,000 towards purging
 13 Valdez's contempt, and neither the payment nor this stipulation/agreement
 14 will apply to Defendant Fred Hernandez ("Hernandez") or any judgment;¹
 15
 16 b. Prior to Valdez's release, Valdez will surrender his passport to his attorney,
 17 Robert M. Draskovich, and Valdez will not leave the country without this
 18 Court's approval;
 19
 20 c. Prior to Valdez's release, Valdez will confirm in writing, by signing the
 21 declaration attached as **Exhibit 1** hereto, that he (1) will comply with the
 22 permanent injunction in place in this matter (ECF 140), which prohibits
 23 Valdez from helping Hernandez or any third parties to hinder Plaintiffs'
 24 collection efforts in any manner whatsoever; and (2) will not work with or
 25 associate with Hernandez or Hernandez's prior contacts in the
 26 osseointegration industry, and that doing so will be presumed as violating the

27 ¹ For the avoidance of any doubt, it is noted that this Stipulation in no way pertains to
 28 Hernandez or any judgment, whether against Valdez or Hernandez. The Stipulation is
 extremely narrow, only pertains to Valdez, and the Court's single finding of Valdez's
 contempt.

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1 permanent injunction (given his history) and will be grounds for being
2 reincarcerated;

3 d. Upon Valdez's release, Valdez's attorney will turn over Valdez's cell
4 phone(s) for forensic imaging, and Valdez will represent and warrant to the
5 Court, via the declaration attached hereto, that no text messages or emails
6 have been deleted. Valdez's attorney is currently in possession of Valdez's
7 cell phone, and Valdez will not be given access to the phone before it is
8 turned over;

9 e. Prior to being released, Valdez will produce to Plaintiffs all documents and
10 things requested by Plaintiffs that are in his possession, custody, and/or
11 control. To the extent he is unable to turn over any items until released, he
12 will do so immediately thereafter, and he will cooperate with Plaintiffs
13 accordingly;

14 f. After being released, Valdez will voluntarily submit to a deposition
15 conducted by Plaintiffs' counsel and will answer all questions truthfully and
16 completely; and

17 g. Upon the Court's approval this Stipulation, and upon the performance of the
18 applicable conditions precedent herein, Plaintiffs will file with the Court a
19 notice of compliance indicating that Valdez may be released.
20

21 5. After conferring with their clients, counsel for Defendants has been authorized and
22 directed to agree to the foregoing conditions and accepts them accordingly.
23

24 DATED this 23rd day of December, 2024.
25
26
27
28

By: s/ Daniel R. Warner

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ORDER

IT IS SO ORDERED:



Gloria M. Navarro
UNITED STATES DISTRICT JUDGE

DATED: December 23, 2024.

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CERTIFICATE OF SERVICE

I hereby certify that, on the same date set forth above, I electronically transmitted the foregoing document to the Clerk's Office using CM/ECF System for filing and distribution upon all parties on the e-service list.

/s/ Rebekah Triphahn

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EXHIBIT 1

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Case No.: 2:22-cv-00876-GMN-NJK

MUNJED AL MUDERIS, an individual, dba
OSSEOINTEGRATION GROUP OF
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INTERNATIONAL PTY LTD., an Australian
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Plaintiffs,

vs.

FRED HERNANDEZ, an individual; AMPUTEK,
INC., a Nevada corporation; OSSEOTEK, INC., a
Nevada corporation; MIKE VALDEZ and LUISA
VALDEZ, husband and wife; DOE DEFENDANTS
I-X, inclusive; and ROE DEFENDANTS I-X,
inclusive,

Defendants.

**DECLARATION OF MIKE
VALDEZ**

I, Mike Valdez, declare – under penalty of perjury -- as follows:

1. I am a defendant in the above-captioned matter, and I make this declaration freely and voluntarily after conferring with my attorney of record.

2. I have personal knowledge of all facts addressed in this declaration, and if called on to testify, I could and would do so truthfully.

3. I make this declaration in support of the Stipulation for Conditional Release (the “Stipulation”). I have reviewed the Stipulation with my attorney of record, and the statements contained in the Stipulation are true and correct.

4. I have agreed to pay Plaintiffs \$25,000 towards purging my contempt, and neither the payment nor the Stipulation/agreement will apply to Defendant Fred Hernandez (“Hernandez”) or any judgment. The funds used to pay Plaintiffs were not obtained from Hernandez, directly or indirectly (including from any family member, friend, or business contact of Hernandez).

